

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

In re:

LAWRENCE WINSTED ROSSER,

CHAPTER 7

Debtor.

CASE NO. 09-73001-WSR-7

**BAC HOME LOANS SERVICING, L.P.
FKA COUNTRYWIDE HOME LOANS
SERVICING, L.P,**

Plaintiff.

vs.

**LAWRENCE WINSTED ROSSER
AKA LAWRENCE W. ROSSER
GEORGE A. MCLEAN, TRUSTEE,**

Defendants.

**MOTION FOR RELIEF
AND NOTICE OF HEARING**

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS FOURTEEN (14) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE FOURTEEN (14) DAY PERIOD.

**ATTEND THE PRELIMINARY HEARING SCHEDULED TO BE HELD ON
JANUARY 11, 2010 AT 2:00 PM IN THE COMMONWEALTH OF VIRGINIA
BUILDING, #212, 210 CHURCH AVENUE, 2ND FLOOR, ROANOKE, VA
24011.**

NOTICE FROM SAMUEL I. WHITE, P.C.

PURSUANT TO THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT, WE ADVISE YOU THAT SAMUEL I. WHITE, P.C., COUNSEL FOR THE PLAINTIFF, IS A DEBT COLLECTOR, ATTEMPTING TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION WE OBTAIN FROM YOU WILL BE USED FOR THAT PURPOSE.

MOTION FOR RELIEF

The Motion of BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P, by Counsel, hereby moves the Court for relief from the automatic stay and in support thereof represents unto the Court:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U. S. C. Sections 157 and 1334 and 11 U. S. C. 362 (d), and that this matter is a core proceeding.
2. The Debtor filed a Petition under Chapter 7 of the Bankruptcy Code on November 25, 2009.
3. The Debtor is the owner of the real property located at 271 Crestwood Village, Northfield, IL 60093, which property is described as:

PARCEL 1:

LOT 4 IN BLOCK 5 IN CRESTWOOD VILLAGE, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES ON AUGUST 20, 1958 AS DOCUMENT LR 1813072, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1, AS ESTABLISHED IN THE DECLARATION OF EASEMENTS AND COVENANTS MADE BY ZORIE CORPORATION, RECORDED AS DOCUMENT 17294956 AND FILED AS DOCUMENT LR 1813073 AND AS CREATED BY DEED DATED NOVEMBER 25, 1958 AND FILED AS DOCUMENT LR 1832394 FROM ZORIE CORPORATION TO ETHEL R. WARNER.

Permanent Index No. : 05-19-310-037

4. Plaintiff is the holder and/or servicer of a certain Deed of Trust Note dated September 13, 2007, which Note is secured by a Deed of Trust of even date therewith and duly recorded.

5. The account is in arrears for 10 monthly mortgage installments. The approximate reinstatement amount through December, 2009 is \$17,664.17, calculated as follows:

10 monthly payments (03/01/09-12/01/09) @ \$1,459.91/month	\$14,599.10
Foreclosure Fees and Costs	2,415.07
Bankruptcy Fees and Costs - Motion For Relief	650.00
Total	\$17,664.17

6. The unpaid principal balance due on said note is \$224,644.66, and the present approximate payoff balance is \$244,600.00.

7. It is the opinion of the Plaintiff that the Debtor is financially unable to maintain said obligation and that Plaintiff will suffer irreparable injury, loss and damage if it is not permitted to foreclose upon its security interest; otherwise Plaintiff is without adequate protection.

8. Debtor's Statement of Intention indicates surrender of the property.

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay with regard to the said real property in order to pursue its rights pursuant to the terms of the Note and Deed of Trust, to include the institution of foreclosure proceedings, and further requests that the fourteen (14) day stay be waived incident to any Order entered incident to the Motion for Relief herein.

BAC HOME LOANS SERVICING, L.P. FKA
COUNTRYWIDE HOME LOANS SERVICING, L.P

By: **/s/ ERIC DAVID WHITE**

Of Counsel
Samuel I. White, P. C.
Eric David White, Esquire, VSBN 21346
Michael T. Freeman, Esquire, VSBN 65460
1804 Staples Mill Road, Suite 200
Richmond, VA 23230

CERTIFICATE

I hereby certify that a true copy of the foregoing Motion and Notice of Hearing was served by regular mail or email this 17th day of December, 2009, on all necessary parties including George A. McLean, Jr., Esquire, Trustee, 302 Washington Avenue, S. W., Post Office Box 1264, Roanoke, VA 24006; Malissa Lambert Giles, Esquire, Counsel for Debtor, Post Office Box 2780, Roanoke, VA 24001; and Lawrence Winsted Rosser, Debtor, 111 Campbell Avenue, #4A, Roanoke, VA 24011.

/s/ ERIC DAVID WHITE

Samuel I. White, P. C.